PART IV

SECTION 1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 12 LCA 78

Bangalore Dated 2nd February 1978

Ordered that the Requisitioning and Acquisition of Immovable property (Amendment) Act, 1977 (No. 44 of 1977) published in part II Section 1 of the Gazette of India Ex-traordinary dated 24th Dec. 1977 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the President of India

N. NEELAKANTARAYA,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

THE REQUISITION AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ACT, 1977

AN

ACT

further to amend the Requisitioning and Acquisition of Immovable Property Act 1952

Be it enacted by Parliament in the Twenty-eigth Year of Republic of India as follows :—

1 Short title.—This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977

2 Insertion of new section 26.- In the Requisitioning and Acquisition of Immovable Property Act, 1952 (30 of 1952) (hereinafter referred to as the principal Act), after section 25, the following section shall be inserted and shall be deemed to have been inserted with effect on and from the 21st day of March 1977, namely :—

'26. Special provision as to certain requisitions under Act 42 of 1971 (1) Notwithstanding anything contained in this Act, any immovable property requisitioned or purported to have been requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government under the Defence of India Act 1971, and the rules made thereunder (including any immovable property deemed to have been requisitioned under

the said Act), which has not been released from such requisition before the appointed day, shall,—

(i) if such property was requisitioned on or before the 21st day of March, 1977, as from that date and

(ii) if such property was requisitioned at any time after such date, as from the date of its requisition,

be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the appointed day and all the provisions of this Act shall apply accordingly:

Provided that in determining the compensation payable under this Act in respect of any property so deemed to have been requisitioned under this Act, the sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the matters specified in clause (b) of sub-section (2) of section 8 shall be reduced by the sum or sums, if any, paid or payable in respect of such matter or matters as compensation in respect of such property under the Defence of India Act, 1971, and the rules made thereunder.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1971, and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall, as from the 21st March, 1977, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act.

Explanation.—In this section, "appointed day" means the 23rd September, 1977.'

3. **Repeal and Saving.**—(1) The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1977 (Ord. 12 of 1977.), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.